

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/19/2021

-----X
BARRY PLOST et al.,

Plaintiffs,

-against-

LUXURY VACATION HOME LLC et al.,

Defendants.
-----X

21-CV-15 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiffs filed this action on January 6, 2021, (Doc. 3), and filed an affidavit service for Defendant Luxury Vacation Home LLC (“Luxury Vacation Home”) on January 29, 2021, (Doc. 11.) The deadline for Luxury Vacation Home to respond to Plaintiff’s complaint was February 12, 2021. (*See id.*) To date, Luxury Vacation Home has not appeared or responded to the complaint. Plaintiffs, however, have taken no action to prosecute this case. Accordingly, if Plaintiffs intend to seek a default judgment against Luxury Vacation Home, they are directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than March 22, 2021. If Plaintiff fails to do so or otherwise demonstrate that she intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

I note that Plaintiffs have not filed an affidavit of service for Defendants Hugh Barton or Shawn Benesh, such that Plaintiffs cannot move for a default judgment against those Defendants at this time. Failure to comply with Federal Rule of Civil Procedure 4(m) risks dismissal of this action against those Defendants.

SO ORDERED.

Dated: February 19, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick
United States District Judge